

REFERENCE TITLE: ecological water; program; fund

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1475

Introduced by
Senator Dalessandro

AN ACT

AMENDING SECTIONS 45-101, 45-105, 45-151 AND 45-172, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 16; RELATING TO WATER MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-101, Arizona Revised Statutes, is amended to
3 read:

4 45-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Appropriator" means the person or persons initiating or
7 perfecting the right to use appropriable water based on state law, or the
8 person's successor or successors in interest.

9 2. "Department" means the department of water resources.

10 3. "Director" means the director of water resources, who is also
11 the director of the department.

12 4. "ECOLOGICAL WATER" MEANS WATER SUFFICIENT TO SUSTAIN FRESHWATER
13 ECOSYSTEMS AND THE WILDLIFE HABITAT AND HUMAN LIVELIHOODS AND WELL-BEING
14 THAT DEPEND ON THOSE ECOSYSTEMS.

15 ~~4.~~ 5. "Effluent" means water that has been collected in a sanitary
16 sewer for subsequent treatment in a facility that is regulated pursuant to
17 title 49, chapter 2. Such water remains effluent until it acquires the
18 characteristics of groundwater or surface water.

19 ~~5.~~ 6. "Groundwater" means water under the surface of the earth
20 regardless of the geologic structure in which it is standing or
21 moving. Groundwater does not include water flowing in underground streams
22 with ascertainable beds and banks.

23 ~~6.~~ 7. "Interstate stream" means any stream constituting or flowing
24 along the exterior boundaries of this state, and any tributary originating
25 in another state or foreign country and flowing into or through this
26 state.

27 ~~7.~~ 8. "Riparian area" means a geographically delineated area with
28 distinct resource values, that is characterized by deep-rooted plant
29 species that depend on having roots in the water table or its capillary
30 zone and that occurs within or adjacent to a natural perennial or
31 intermittent stream channel or within or adjacent to a lake, pond or marsh
32 bed maintained primarily by natural water sources. Riparian area does not
33 include areas in or adjacent to ephemeral stream channels, artificially
34 created stockponds, man-made storage reservoirs constructed primarily for
35 conservation or regulatory storage, municipal and industrial ponds or
36 man-made water transportation, distribution, off-stream storage and
37 collection systems.

38 ~~8.~~ 9. "Sanitary sewer" means any pipe or other enclosed conduit
39 that carries, among other substances, any water-carried wastes from the
40 human body from residences, commercial buildings, industrial plants or
41 institutions.

42 ~~9.~~ 10. "Surface water" means the waters of all sources, flowing in
43 streams, canyons, ravines or other natural channels, or in definite
44 underground channels, whether perennial or intermittent, floodwater,
45 wastewater or surplus water, and of lakes, ponds and springs on the

1 surface. For the purposes of administering this title, surface water is
2 deemed to include central Arizona project water.

3 Sec. 2. Section 45-105, Arizona Revised Statutes, is amended to
4 read:

5 45-105. Powers and duties of director

6 A. The director may:

7 1. Formulate plans and develop programs for the practical and
8 economical development, management, conservation and use of surface water,
9 groundwater and the watersheds in this state, including the management of
10 water quantity and quality.

11 2. Investigate works, plans or proposals pertaining to surface
12 water and groundwater, including management of watersheds, and acquire,
13 preserve, publish and disseminate related information the director deems
14 advisable.

15 3. Collect and investigate information on and prepare and devise
16 means and plans for the development, conservation and utilization of all
17 waterways, watersheds, surface water, groundwater and groundwater basins
18 in this state and of all related matters and subjects, including
19 irrigation, drainage, water quality maintenance, regulation of flow,
20 diversion of running streams adapted for development in cooperating with
21 the United States or by this state independently, flood control,
22 utilization of water power, prevention of soil waste and storage,
23 conservation and development of water for every useful purpose.

24 4. Measure, survey and investigate the water resources of this
25 state and their potential development and cooperate and contract with
26 agencies of the United States for such purposes.

27 5. Acquire, hold and dispose of property, including land,
28 rights-of-way, water and water rights, as necessary or convenient for the
29 performance of the groundwater and water quality management functions of
30 the department.

31 6. Acquire, other than by condemnation, construct, improve,
32 maintain and operate early warning systems for flood control purposes and
33 works for the recovery, storage, treatment and delivery of water.

34 7. Accept grants, gifts or donations of money or other property
35 from any source, which may be used for any purpose consistent with this
36 title. All property acquired by the director is public property and is
37 subject to the same tax exemptions, rights and privileges granted to
38 municipalities, public agencies and other public entities.

39 8. Enter into an interagency contract or agreement with any public
40 agency pursuant to title 11, chapter 7, article 3 and contract, act
41 jointly or cooperate with any person to carry out the purposes of this
42 title.

43 9. Prosecute and defend all rights, claims and privileges of this
44 state respecting interstate streams.

1 10. Initiate and participate in conferences, conventions or
2 hearings, including ~~meetings of the Arizona water resources advisory~~
3 ~~board~~, congressional hearings, court hearings or hearings of other
4 competent judicial or quasi-judicial departments, agencies or
5 organizations, and negotiate and cooperate with agencies of the United
6 States or of any state or government and represent this state concerning
7 matters within the department's jurisdiction.

8 11. Apply for and hold permits and licenses from the United States
9 or any agency of the United States for reservoirs, dam sites and
10 rights-of-way.

11 12. Receive and review all reports, proposed contracts and
12 agreements from and with the United States or any agencies, other states
13 or governments or their representatives and recommend to the governor and
14 the legislature action to be taken on such reports, proposed contracts and
15 agreements. The director shall take action on such reports, if authorized
16 by law, and review and coordinate the preparation of formal comments of
17 this state on both the preliminary and final reports relating to water
18 resource development of the United States army corps of engineers, the
19 United States secretary of the interior and the United States secretary of
20 agriculture, as provided for in the flood control act of 1944 (58 Stat.
21 887; 33 United States Code section 701-1).

22 13. Contract with any person for imported water or for the
23 acquisition of water rights or rights to withdraw, divert or use surface
24 water or groundwater as necessary for the performance of the groundwater
25 management functions of the director prescribed by chapter 2 of this
26 title. If water becomes available under any contract executed under this
27 paragraph, the director may contract with any person for its delivery or
28 exchange for any other water available.

29 14. Recommend to the administrative heads of agencies, boards and
30 commissions of this state, and political subdivisions of this state, rules
31 to promote and protect the rights and interests of this state and its
32 inhabitants in any matter relating to the surface water and groundwater in
33 this state.

34 15. Conduct feasibility studies and remedial investigations
35 relating to groundwater quality and enter into contracts and cooperative
36 agreements under section 104 of the comprehensive environmental response,
37 compensation, and liability act of 1980 (P.L. 96-510) to conduct such
38 studies and investigations.

39 16. Dispose informally by stipulation, agreed settlement, consent
40 order or alternative means of dispute resolution, including arbitration,
41 if the parties and director agree, or by default of any case in which a
42 hearing before the director is required or allowed by law.

43 17. Cooperate and coordinate with the appropriate governmental
44 entities in Mexico regarding water planning in areas near the border

1 between Mexico and Arizona and for the exchange of relevant hydrological
2 information.

3 B. The director shall:

4 1. Exercise and perform all powers and duties vested in or imposed
5 on the department and adopt and issue rules necessary to carry out the
6 purposes of this title.

7 2. Administer all laws relating to groundwater, as provided in this
8 title.

9 3. Be responsible for the supervision and control of reservoirs and
10 dams of this state and, when deemed necessary, conduct investigations to
11 determine whether the existing or anticipated condition of any dam or
12 reservoir in this state is or may become a menace to life and property.

13 4. Coordinate and confer with and may contract with:

14 (a) The Arizona power authority, the game and fish commission, the
15 state land department, the Arizona outdoor recreation coordinating
16 commission, the Arizona commerce authority, the department of health
17 services, active management area water authorities or districts and
18 political subdivisions of this state with respect to matters within their
19 jurisdiction relating to surface water and groundwater and the development
20 of state water plans.

21 (b) The department of environmental quality with respect to title
22 49, chapter 2 for its assistance in the development of state water plans.

23 (c) The department of environmental quality regarding water plans,
24 water resource planning, water management, wells, water rights and
25 permits, and other appropriate provisions of this title pertaining to
26 remedial investigations, feasibility studies, site prioritization,
27 selection of remedies and implementation of the water quality assurance
28 revolving fund program pursuant to title 49, chapter 2, article 5.

29 (d) The department of environmental quality regarding coordination
30 of databases that are necessary for activities conducted pursuant to title
31 49, chapter 2, article 5.

32 5. Cooperate with the Arizona power authority in the performance of
33 the duties and functions of the authority.

34 6. Maintain a permanent public depository for existing and future
35 records of stream flow, groundwater levels and water quality and other
36 data relating to surface water and groundwater.

37 7. Maintain a public docket of all matters before the department
38 that may be subject to judicial review pursuant to this title.

39 8. Investigate and take appropriate action on any complaints
40 alleging withdrawals, diversions, impoundments or uses of surface water or
41 groundwater that may violate this title or the rules adopted pursuant to
42 this title.

43 ~~9. Report to and consult with the Arizona water resources advisory~~
44 ~~board at regular intervals.~~

1 ~~10.~~ 9. Adopt an official seal for the authentication of records,
2 orders, rules and other official documents and actions.
3 ~~11.~~ 10. Provide staff support to the Arizona water protection fund
4 commission established pursuant to chapter 12 of this title.
5 ~~12.~~ 11. Exercise and perform all powers and duties invested in the
6 chairperson of the Arizona water banking authority commission as
7 prescribed by chapter 14 of this title.
8 ~~13.~~ 12. Provide staff support to the Arizona water banking
9 authority established pursuant to chapter 14 of this title.
10 ~~14.~~ 13. In the year following each regular general election,
11 present information to the committees with jurisdiction over water issues
12 in the house of representatives and the senate. A written report is not
13 required but the presentation shall include information concerning the
14 following:
15 (a) The current status of the water supply in this state and any
16 likely changes in that status.
17 (b) Issues of regional and local drought effects, short-term and
18 long-term drought management efforts and the adequacy of drought
19 preparation throughout the state.
20 (c) The status of current water conservation programs in this
21 state.
22 (d) The current state of each active management area and the level
23 of progress toward management goals in each active management area.
24 (e) Issues affecting management of the Colorado river and the
25 reliability of this state's two million eight hundred thousand acre-foot
26 allocation of Colorado river water, including the status of water supplies
27 in and issues related to the Colorado river basin states and Mexico.
28 (f) The status of any pending or likely litigation regarding
29 surface water adjudications or other water related litigation and the
30 potential impacts on this state's water supplies.
31 (g) The status of Indian water rights settlements and related
32 negotiations that affect this state.
33 (h) THE STATUS AND HEALTH OF THIS STATE'S ECOLOGICAL WATER.
34 ~~(i)~~ (i) Other matters related to the reliability of this state's
35 water supplies, the responsibilities of the department and the adequacy of
36 the department's and other entities' resources to meet this state's water
37 management needs.
38 14. CONSIDER THE IMPACT OF ALL ACTIONS TAKEN BY THE DEPARTMENT,
39 INCLUDING THE ISSUANCE OF ANY PERMIT OF APPROVAL, ON ECOLOGICAL WATER.
40 Sec. 3. Section 45-151, Arizona Revised Statutes, is amended to
41 read:
42 45-151. Right of appropriation; permitted uses; water rights
43 in stockponds; federal lands
44 A. Any person, ~~the~~ THIS state ~~of Arizona~~ or a political subdivision
45 ~~thereof~~ OF THIS STATE may appropriate unappropriated water for domestic,

1 municipal, **ECOLOGICAL WATER**, irrigation, stock watering, water power,
2 recreation, wildlife, including fish, nonrecoverable water storage
3 pursuant to section 45-833.01 or mining uses, for ~~his~~ personal use or for
4 delivery to consumers. The person, ~~the~~ **THIS** state ~~of Arizona~~ or a
5 political subdivision ~~thereof~~ **OF THIS STATE** first appropriating the water
6 shall have the better right.

7 B. To effect the beneficial use, the person, ~~the~~ **THIS** state ~~of~~
8 ~~Arizona~~ or a political subdivision ~~thereof~~ **OF THIS STATE** appropriating the
9 water may construct and maintain reservoirs, storage facilities pursuant
10 to chapter 3.1 of this title, dams, canals, ditches, flumes and other
11 necessary waterways.

12 C. A water right in a stockpond, certified pursuant to article 10
13 of this chapter, shall be recognized as if such water had been
14 appropriated pursuant to this article.

15 D. The validity of and the right to exercise a water right obtained
16 in accordance with state law shall not be diminished, impaired or
17 otherwise affected because other water is or may be available to the
18 appropriator from an alternative right or source to satisfy the same use.

19 E. The right to water appropriated on lands owned by the United
20 States shall be held by the person who first effects the beneficial use of
21 the water appropriated and by the person's successor. This subsection
22 ~~shall~~ **DOES** not ~~be construed to~~ preclude the United States from being the
23 holder of a right if the United States first effects the beneficial use.

24 F. A water source that is located on land owned by the United
25 States and that has been or may be appropriated under state law may be
26 beneficially used on any land whether or not owned by the United States.

27 Sec. 4. Section 45-172, Arizona Revised Statutes, is amended to
28 read:

29 **45-172. Transfer of water rights; application; limitations;**
30 **required consent**

31 A. A water right may be severed from the land to which it is
32 appurtenant or from the site of its use if for other than irrigation
33 purposes and with the consent and approval of the owner of such right may
34 be transferred for use for irrigation of agricultural lands or for
35 municipal, **ECOLOGICAL WATER**, stock watering, power and mining purposes and
36 to the state or its political subdivisions for use for recreation and
37 wildlife purposes, including fish, without losing priority theretofore
38 established, subject to the following limitations and conditions:

39 1. Except as otherwise provided in this section no such severance
40 or transfer shall be made unless approved by the director, and the
41 approval of the director shall prescribe the conditions of the approval.

42 2. Vested or existing rights to the use of water shall not be
43 affected, infringed ~~upon nor~~ **ON OR** interfered with, and in no event shall
44 the water diverted or used after the transfer of such rights exceed the
45 vested rights existing at the time of such severance and transfer, and the

1 director shall by order so define and limit the amount of water to be
2 diverted or used annually subsequent to such transfer.

3 3. The water rights sought to be transferred shall have been
4 lawfully perfected under the laws of the territory or the state of Arizona
5 and shall not have thereafter been forfeited or abandoned.

6 4. No such severance or transfer of water rights shall be permitted
7 or allowed from lands within the exterior boundaries of any irrigation
8 district, agricultural improvement district or water users' association
9 without first having obtained the written consent and approval of such
10 irrigation district, agricultural improvement district or water users'
11 association.

12 5. No right to the use of water on or from any watershed or
13 drainage area ~~which~~ THAT supplies or contributes water for the irrigation
14 of lands within an irrigation district, agricultural improvement district
15 or water users' association shall be severed or transferred without the
16 consent of the governing body of such irrigation district, agricultural
17 improvement district or water users' association. All proposed
18 applications for the severance and transfer of a right to use water of or
19 from any watershed or drainage area ~~which~~ THAT supplies or contributes
20 water for the irrigation of lands within any irrigation district,
21 agricultural improvement district or water users' association shall be
22 submitted to the governing body of such irrigation district, agricultural
23 improvement district or water users' association ~~prior to~~ BEFORE the
24 filing of such application with the director. Within forty-five days
25 after the receipt of the application such governing body shall reject or
26 approve the proposed application. Failure of such governing body to
27 approve or reject the proposed application within forty-five days after
28 receipt shall constitute approval of the proposed application by such
29 governing body. No application for the severance or transfer of a right
30 to the use of water of or from any watershed or drainage area ~~which~~ THAT
31 supplies or contributes water for the irrigation of lands within any
32 irrigation district, agricultural improvement district or water users'
33 association shall be accepted for filing by the director unless
34 accompanied by the written consent of the governing body of such
35 irrigation district, agricultural improvement district or water users'
36 association to the proposed application or by satisfactory evidence that
37 such governing body failed to either accept or reject the proposed
38 application within forty-five days after receipt by such governing body.

39 6. A severance and transfer of an irrigation water right
40 appurtenant to lands within the boundaries of an irrigation district to
41 other lands within the boundaries of the same irrigation district for
42 agricultural use may be accomplished by the exclusion of lands to which a
43 water right is appurtenant from within the boundaries of an irrigation
44 district, and the inclusion in lieu of other lands within the boundaries
45 of such irrigation district. Such severance and transfer of a water right

1 shall require the consent of only the irrigation district within which the
2 affected lands are situated and of the owners of the lands affected by the
3 severance and transfer. No proceedings before ~~not~~ OR approval by the
4 director shall be required to accomplish such severance and transfer.

5 7. An application for severance and transfer of a water right shall
6 be filed with the director. The director shall give notice of the
7 application by publication once a week for three successive weeks in a
8 newspaper of general circulation in the county or counties in which the
9 watershed or drainage area is located. The notice shall state that any
10 interested person may file written objections to the proposed severance
11 and transfer with the director within thirty days after the last
12 publication of the notice. In appropriate cases, including cases in which
13 an objection has been filed, an administrative hearing may be held before
14 the director's decision on the application if the director deems a hearing
15 necessary.

16 B. Section 45-114, subsections A and B govern administrative
17 proceedings, rehearing or review and judicial review of final decisions of
18 the director under this section.

19 Sec. 5. Title 45, chapter 1, Arizona Revised Statutes, is amended
20 by adding article 16, to read:

21 ARTICLE 16. ECOLOGICAL WATER STEWARDSHIP PROGRAM

22 45-361. Ecological water stewardship program; report

23 A. THE ECOLOGICAL WATER STEWARDSHIP PROGRAM IS ESTABLISHED. THE
24 DIRECTOR SHALL ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6 TO CARRY OUT
25 THIS ARTICLE.

26 B. THE DIRECTOR SHALL ESTABLISH A SET OF STANDARD MEASURES, USING
27 THE BEST AVAILABLE SCIENCE, TO DEFINE ECOLOGICAL WATER NEEDS IN THIS
28 STATE. THE STANDARD MEASURES ESTABLISHED BY THE DIRECTOR SHALL INCLUDE
29 CRITERIA FOR EXAMINING THE RELATIONSHIP BETWEEN ECOLOGICAL WATER AND
30 GROUNDWATER AND SURFACE WATER IN THIS STATE.

31 C. TO CARRY OUT THE PURPOSES OF THIS ARTICLE, THE DIRECTOR SHALL:

32 1. TAKE ALL REASONABLE STEPS NECESSARY TO MONITOR, MAINTAIN,
33 IMPROVE AND RESTORE THE SURFACE WATER SYSTEMS OF THIS STATE, INCLUDING
34 SURVEYING AND PERFORMING ALL NECESSARY HYDROGRAPHIC, HYDROLOGIC, GEOLOGIC,
35 CLIMATIC AND ECOLOGIC INVESTIGATIONS NECESSARY TO UNDERSTAND THE QUANTITY,
36 TIMING AND QUALITY OF WATER FLOW AND STORAGE OF GROUNDWATER AND SURFACE
37 WATER REQUIRED TO MAINTAIN, IMPROVE AND RESTORE ECOLOGICAL WATER IN THOSE
38 SYSTEMS.

39 2. ON REACHING A DETERMINATION OF THE ECOLOGICAL WATER NEEDS FOR
40 EACH WATERSHED OR SUBWATERSHED, PUBLISH A PRELIMINARY REPORT THAT INCLUDES
41 A DETERMINATION OF THE ECOLOGICAL WATER AND MONITORING METHODS NECESSARY
42 TO MONITOR, MAINTAIN, IMPROVE AND RESTORE THE FRESHWATER ECOSYSTEMS OF THE
43 WATERSHED OR SUBWATERSHED.

1 3. POST ON THE DEPARTMENT'S WEBSITE ALL PRELIMINARY REPORTS
2 DESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION, COPIES OF ALL NOTICES
3 REQUIRED BY SECTION 41-1022 AND ALL PROPOSED RULEMAKINGS.

4 4. NOTIFY BY FIRST CLASS MAIL, FAX OR E-MAIL EACH PERSON WHO HAS
5 MADE A TIMELY REQUEST TO THE DEPARTMENT FOR NOTIFICATION OF ONE OR MORE
6 PRELIMINARY REPORTS DESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION OR FOR
7 NOTIFICATION OF ALL PROPOSED RULEMAKINGS UNDER SECTION 41-1022.

8 5. HOLD AN OPEN MEETING AND TAKE PUBLIC COMMENT IN A LOCATION NEAR
9 THE WATERSHED OR SUBWATERSHED THAT IS THE SUBJECT OF THE PRELIMINARY
10 REPORT NOT SOONER THAN SIXTY DAYS AFTER THE DEPARTMENT PROVIDES
11 NOTIFICATION UNDER PARAGRAPHS 3 AND 4 OF THIS SUBSECTION.

12 6. RESPOND IN WRITING TO ALL PUBLIC COMMENTS, WHETHER RECEIVED AT
13 THE HEARING OR OTHERWISE, THAT ARE RECEIVED BY A DATE ANNOUNCED BY THE
14 DIRECTOR IN THE INITIAL NOTICE.

15 D. WITHIN SIXTY DAYS AFTER THE DEADLINE FOR FILING COMMENTS FOR ANY
16 PRELIMINARY REPORT, THE DIRECTOR SHALL POST THE FINAL REPORT ON THE
17 DEPARTMENT'S WEBSITE AND SUBMIT THE REPORT TO THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE GOVERNOR AND SHALL
19 PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

20 45-362. Determination of insufficient water to maintain,
21 improve and restore ecological water

22 A. IF THE DIRECTOR DETERMINES IN ANY WATERSHED OR SUBWATERSHED THAT
23 THERE IS INSUFFICIENT WATER TO MAINTAIN, IMPROVE AND RESTORE ECOLOGICAL
24 WATER, THE DIRECTOR SHALL BOTH:

25 1. TAKE ALL STEPS NECESSARY TO APPROPRIATE UNAPPROPRIATED WATER
26 SUFFICIENT TO MAINTAIN THE ECOLOGICAL WATER REQUIREMENTS OF THIS STATE'S
27 WATERS ON BEHALF OF THIS STATE.

28 2. PURCHASE, LEASE OR ACCEPT BY GIFT OR ASSIGNMENT EXISTING WATER
29 RIGHTS PURSUANT TO SECTION 45-172 AND TRANSFER ALL ACQUIRED RIGHTS FOR
30 BENEFICIAL USE SUPPORTING ECOLOGICAL WATER PURSUANT TO SECTION 45-172.

31 B. THE DIRECTOR MAY USE ALL MONIES THAT ARE APPROPRIATED BY THE
32 LEGISLATURE FOR THE PURCHASE OF EXISTING WATER RIGHTS AND MONIES AVAILABLE
33 IN THE ECOLOGICAL WATER STEWARDSHIP FUND ESTABLISHED BY SECTION 45-363 FOR
34 THE PURPOSES OF THIS SECTION.

35 45-363. Ecological water stewardship fund

36 THE ECOLOGICAL WATER STEWARDSHIP FUND IS ESTABLISHED FOR THE
37 PURPOSES OF SUPPORTING THE ACQUISITION OF EXISTING WATER RIGHTS FOR
38 ECOLOGICAL WATER PURPOSES. THE FUND CONSISTS OF MONIES APPROPRIATED BY
39 THE LEGISLATURE AND GRANTS, GIFTS, DEVISES AND DONATIONS FROM ANY PUBLIC
40 OR PRIVATE SOURCE. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED FOR
41 THE PURPOSES OF THIS SECTION. MONIES IN THE FUND ARE EXEMPT FROM THE
42 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. THE
43 DEPARTMENT SHALL ADMINISTER THE FUND AND MAY USE NOT MORE THAN FIVE
44 PERCENT OF THE MONIES DEPOSITED IN THE FUND IN A FISCAL YEAR FOR
45 ADMINISTRATIVE PURPOSES UNDER THIS SECTION. ON NOTICE FROM THE

1 DEPARTMENT, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND
2 AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE
3 CREDITED TO THE FUND. MONIES IN THE FUND ARE SUBJECT TO STATE AUDITING
4 PROCEDURES.

5 45-364. Program termination
6 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2028
7 PURSUANT TO SECTION 41-3102.

8 Sec. 6. Survey of status of waters of this state

9 The director of water resources shall:

10 1. Publish not later than December 31, 2020 a preliminary survey of
11 the status of the waters of this state, including an initial estimate of
12 the amount of additional water or other actions necessary to meet the
13 requirements of ecological water for those water systems.

14 2. Provide for notice and comment of the preliminary survey
15 pursuant to section 45-361, subsection C, Arizona Revised Statutes, as
16 added by this act.

17 3. Post the final survey on the department of water resources'
18 website for a period of not less than six months.